

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TERRANCE A. DAVIS,

Petitioner,

v.

WARDEN WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 2:23-cv-01732-MMD-VCF

ORDER

Pro se Petitioner Terrance A. Davis has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254, an application for leave to proceed *in forma pauperis* (“IFP”), motion for appointment of counsel, and request for an evidentiary hearing. (ECF Nos. 1, 1-1 (“Petition”), 1-2.) Petitioner’s IFP application is incomplete, so he has not properly commenced this habeas action.

Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The Court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner’s financial declaration and acknowledgement showing an inability to prepay fees and costs; (b) a financial certificate signed by the prisoner and an authorized prison official; and (c) a copy of the prisoner’s account statement for the six-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Petitioner will have 45 days from the date of this order to either pay the \$5 filing fee or submit a complete IFP application on this Court’s form with all required documentation.


1 It is therefore ordered that Petitioner's Motion to Proceed IFP (ECF No. 1) is denied
2 without prejudice.

3 It is further ordered that the Clerk of Court send Petitioner a blank copy of the IFP
4 application for incarcerated litigants with instructions.

5 It is further ordered that the initial screening of the Petition (ECF No. 1-1) under
6 the Rules Governing Section 2254 Cases is deferred until such time as he has fully
7 complied with this order.

8 It is further ordered that within 45 days of the date of this order, Petitioner must file
9 an IFP application that includes a: (1) financial certificate signed by Petitioner and an
10 authorized prison official; (2) financial declaration and acknowledgement signed by
11 Petitioner; and (3) copy of Petitioner's inmate account statement for the six-month period
12 prior to filing. Alternatively, Petitioner must pay the \$5 filing fee within 45 days. Petitioner's
13 failure to timely comply with this order will result in the dismissal of the Petition without
14 prejudice and without further advance notice.

15 DATED THIS 30th Day of October 2023.

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19 MIRANDA M. DU
20 CHIEF UNITED STATES DISTRICT JUDGE
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